

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
|--------------------------|---|----------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | Cr. No. 04-10049 WGY |
| |) | |
| JUAN CONCE, |) | |
| a/k/a "KING SANTOS" |) | |
| |) | |

JOINT STATUS REPORT REGARDING DEFENDANT'S
MOTION TO REDUCE SENTENCE PURSUANT TO 18 U.S.C. § 3582

In accordance with the Standing Procedural Order entered by the United States District Court for the District of Massachusetts on March 14, 2008, the parties, after conferring with each other and the Probation Department, provide the following status report regarding the defendant's motion to modify sentence pursuant to 18 U.S.C. § 3582.

A. Defendant's eligibility for reduction of sentence in accordance with 18 U.S.C. § 3582

Because the defendant was sentenced as a career offender, pursuant to U.S.S.G. § 4A1.1(a), the government maintains that he is ineligible for a reduction of sentence under 18 U.S.C. § 3582. The defendant contends that he is eligible for a reduction of sentence pursuant to 18 U.S.C. § 3553 and § 3582 as spelled out in his Motion for Sentence Reduction to be filed in this matter

B. Revised guideline calculation

Because the defendant was sentenced as a career offender, pursuant to U.S.S.G. § 4A1.1(a), the Government contends he is not eligible for a reduction of sentence under 18 U.S.C. §

3582. Defendant contends that he is eligible for a reduction of sentence pursuant to 18 U.S.C. § 3553 and § 3582 as spelled out in his Motion for Sentence Reduction to be filed in this matter.

C. Recommendation for sentencing

The Government recommends no change. Defendant recommends that his sentence be reduced pursuant to his argument in the above referenced Motion for Reduction of Sentence.

D. Whether a hearing is necessary and whether the defendant seeks to appear in person or via video conference

The Government maintains that a hearing is unnecessary. Defendant alleges the opposite and requests that he appear through video.

E. The earliest projected release date based on the low end of the revised guideline calculation

To be determined after reviewing sentencing memorandum

F. A briefing schedule for any contested issues, taking into account the earliest projected release date

Fourteen days.

G. Whether a transcript is needed

Yes

H. A copy of any plea agreement

N/A

Respectfully submitted,

MICHAEL J. SULLIVAN,
United States Attorney,

By: /s PETER K. LEVITT
PETER K. LEVITT Assistant
U.S. Attorney One
Courthouse Way Boston, MA
(617) 748-3355

COUNSEL FOR JUAN CONCE,

/S JAMES DILDAY (by PKL)
JAMES DILDAY, Esq.
Grayer and Dilday
Suite 400
27 School Street
Boston, MA 02108
617-227-3470

April 2, 2008